

MELISSA A. MARAS,)
Plaintiff,)
))
v.) **Case No. 2:16-cv-04210**
))
THE CURATORS OF THE)
UNIVERSITY OF MISSOURI, et al.,)
Defendants.)

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counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). The Supreme Court in *Landis* directed that “[h]ow this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.” *Id.* “A trial court may, with propriety, find it is efficient for its own docket and the fairest course for the parties to enter a stay of an action before it, pending resolution of independent proceedings which bear upon the case.” *Leyva v. Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979); *see also Clinton v. Jones*, 520 U.S. 681, 706 (1997) (acknowledging that a decision to stay proceedings is within the broad discretion of the court).

This court recently provided the framework for considering a motion to stay in *Intellectual Ventures II LLC v. Commerce Bancshares, Inc.*, 2014 U.S. Dist. LEXIS 75907 (W.D. Mo. 2014). Although that case involved a motion to stay litigation over patents pending review by the Patent and Trademark Office, the same factors weighed by the court in that case are relevant here. This court in *Intellectual Ventures* found that the following three factors all weighed in favor of granting a stay: (1) discovery was not yet complete and no trial date had been set; (2) a decision in the other tribunal would resolve some of the issues, as certain claims could be rendered invalid and, at a minimum, it would clarify the scope of the claims; and (3) a stay would not unduly prejudice the non-moving party or present any clear tactical disadvantage for that party. *Id.* at *6-7.

The same three factors weigh in favor of granting a stay in this case. As acknowledged by this court in *Intellectual Ventures*, this case is still in the early stages of discovery, as “there have been no depositions” and “significant work, including substantive expert discovery and summary judgment motions, remains to be completed....” Thus, the same motivation for granting a stay exists here, where “substantial time and resources may be conserved by staying the case” pending resolution of the Cole County case, and there is no doubt that a decision in the other case “could make this litigation simpler and more efficient.” *Id.* at *8-9.

The resolution of Plaintiff’s case against the Commission will directly affect the substance of Plaintiff’s MHRA claim, including whether or not Plaintiff even has a viable claim against the five individual defendants named in the case, since Plaintiff’s Count II and Count III are brought only against defendant The Curators of the University of Missouri. Thus, until the Cole County Circuit Court has decided the validity and scope of Plaintiff’s right to sue under the MHRA, it is impractical and inefficient to move forward with time intensive fact discovery and

motion pleading in this case, much of which will turn directly on the allegations for which plaintiff has been granted a right to sue under Missouri law.

Furthermore, the court in *Intellectual Ventures* found that the only potential prejudice to the Plaintiff should the proceedings be stayed was the risk of unnecessary delay, but noted that the mere potential for delay “is insufficient to establish *undue* prejudice.” *Id.* at *10. It is also true that no party to this case will be unduly prejudiced by a stay of these proceedings, and, arguably, it will be of benefit to all parties, as well as the Court, to wait until a decision providing clarity as to Plaintiff’s rights under the Act has been rendered, preventing motions as to the substantive rights and proper parties to the MHRA claim.

A stay of the proceedings during the pendency of Case No. 16AC-CC00364 would preserve resources of all involved and promote judicial economy, obviating a need to litigate the proper scope of Plaintiff’s Count I until that issue has been judicially determined by the Cole County Circuit Court.

SMITH LEWIS, LLP

/s/ Colly J. Durley

Colly J. Durley, #33800

Bethany R. Findley, #62887

111 South Ninth Street, Suite 200

P.O. Box 918

Columbia, MO 65205-0918

(573) 443-3141

(573) 442-6686 (Facsimile)

durley@smithlewis.com

findley@smithlewis.com

Attorneys for Defendants

Certificate of Service

I certify that on September 14, 2016, I served this document upon all attorneys of record through the Court’s electronic filing system.

/s/ Colly J. Durley

Colly J. Durley